

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2323

Introduced by Assembly Member Perea

February 24, 2012

An act to amend Section ~~35036~~ 6355 of the ~~Education Revenue and Taxation~~ Code, relating to ~~teachers~~ taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2323, as amended, Perea. ~~Teachers: voluntary transfers. State Board of Equalization: nonmonetized bullion and numismatic coins: adjustment date.~~

The Sales and Use Tax Law exempts from the sales and use taxes the gross receipts from the sales in bulk of monetized bullion, nonmonetized gold and silver bullion, and numismatic coins, and the storage, use, or other consumption of those bullion and coins, as provided, and requires the State Board of Equalization to adjust the initial bulk threshold amount on or before September 1.

This bill would change the adjustment date to October 1.

~~Existing law prohibits the governing board of a school district from adopting a policy or regulation, or entering into a collective bargaining agreement, that assigns, after April 15 of the school year prior to the school year in which the transfer would become effective, priority to a teacher who requests to be transferred to another school over other qualified applicants who have applied for positions requiring certification qualifications at that school.~~

~~This bill would make a nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 6355 of the Revenue and Taxation Code*
2 *is amended to read:*

3 6355. (a) There are exempted from the taxes imposed by this
4 part the gross receipts from the sale in bulk of monetized bullion,
5 nonmonetized gold or silver bullion, and numismatic coins that
6 are substantially equivalent to transactions in securities or
7 commodities through a national securities or commodities exchange
8 and the storage, use, or other consumption in this state of monetized
9 bullion, nonmonetized gold or silver bullion, and numismatic coins
10 so sold.

11 (b) (1) A sale in bulk, for purposes of this section, shall be
12 deemed to have occurred if the amount of monetized bullion,
13 nonmonetized gold or silver bullion, and numismatic coins sold
14 in the transaction totals, in market value, the sum of one thousand
15 dollars (\$1,000) or more, or its equivalent.

16 (2) The board shall adjust the one thousand dollar (\$1,000)
17 amount specified in paragraph (1) as follows:

18 (A) On or before September 1, 1994, and on or before each
19 ~~September~~ *October* 1 of each year thereafter, the board shall
20 multiply the amount applicable for the current calendar year by
21 the inflation factor adjustment determined by the Franchise Tax
22 Board pursuant to subdivision (h) of Section 17041, the resulting
23 amount to be the applicable amount for the succeeding calendar
24 year. The applicable amount shall be operative as an adjustment
25 of the amount specified in paragraph (1) only when the applicable
26 amount computed is equal to or exceeds a new operative threshold,
27 as defined in subparagraph (C).

28 (B) When the applicable amount equals or exceeds an operative
29 threshold specified in subparagraph (C), the resulting applicable
30 amount, rounded to the nearest multiple of five hundred dollars
31 (\$500), shall be operative for purposes of paragraph (1) beginning
32 January 1 of the succeeding calendar year.

33 (C) For purposes of this paragraph, “operative threshold” means
34 an amount that exceeds by at least five hundred dollars (\$500), the
35 greater of either the amount specified in paragraph (1) or the
36 amount computed pursuant to subparagraphs (A) and (B) as the
37 operative adjustment to the amount specified in paragraph (1).

(c) “Monetized bullion,” for purposes of this section, means coins or other forms of money manufactured of gold, silver, or other metal and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation. “Monetized bullion,” for purposes of this section, also means gold medallions struck under authority of the American Arts Gold Medallion Act (Title IV of Public Law 95-630).

(d) A sale of monetized bullion, nonmonetized gold or silver bullion, or numismatic coins, for purposes of this section, shall be deemed to be substantially equivalent to a transaction in securities or commodities through a national securities or commodities exchange, if the sale is by or through a person registered pursuant to the Commodity Exchange Act (7 U.S.C. Sec. 1 et seq.) or not required to be registered under the Commodity Exchange Act.

~~SECTION 1. Section 35036 of the Education Code is amended to read:~~

~~35036. (a) Notwithstanding subdivision (d) of Section 35035, the superintendent of a school district may not transfer a teacher who requests to be transferred to a school offering kindergarten or any of grades 1 to 12, inclusive, that is ranked in deciles 1 to 3, inclusive, on the Academic Performance Index if the principal of the school refuses to accept the transfer.~~

~~(b) The governing board of a school district may not adopt a policy or regulation, or enter into a collective bargaining agreement, that assigns, after April 15 of the school year before the school year in which the transfer would become effective, priority to a teacher who requests to be transferred to another school over other qualified applicants who have applied for positions requiring certification qualification at the school.~~

~~(c) The prohibitions in this section shall become operative on January 1, 2007. If the prohibitions in this section are in direct conflict with the terms of a collective bargaining agreement in effect on January 1, 2007, the prohibitions of this section shall become operative on the employees governed by that agreement upon its expiration.~~